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REMARKS

This response is to the Office Letter mailed in the above-referenced case on May 07, 2007. Claims 13-23 are standing for examination. Claim 15 is objected to. The Examiner rejects claims 13-23 under 35 U.S.C. 112, second paragraph. Claims 13-23 are rejected under 35 U.S.C. 102(b) as being unpatentable over Grant et al. (US 5,878,405) hereinafter Grant. Claims 13-23 are rejected over Applicant's Admitted Prior Art (APA) in view of Kolling et al. (US 5,920,847) hereinafter Kolling. Claims 13-23 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-27 of prior U.S. Patent No. 6,859,212.

In response to the Examiner's objections and rejections, the applicant herein amends the claims to overcome the 112 rejection and objection to claim 15. Applicant argues that the art presented by the Examiner, either singly or in combination, fails to teach applicant's invention, as claimed. Applicant also argues against the 101 rejection as improper.

Regarding the 112 rejection, the Examiner states; "There is no proper antecedent basis for all terms present. See for example the remote computer nodes in claim 13, the server in claim 20, etc." Applicant points out that the above statement made by the Examiner is broad and extreme. Applicant believes if the Examiner is going to present a rejection, applicant should at least be given the consideration of being informed as to exactly what the 112 rejection pertains to. The statement that there is no antecedent basis for all terms present is simply not true and inappropriate for the Examiner to present. Appropriate correction has been made to the few terms in the claims applicant found to not have proper antecedent basis.

Regarding claim 13, the Examiner states; "Grant sets forth an interactive bill-payment system for online management, viewing and payment on behalf of a user of itemized bills by proxy over a data-packet-network, comprising:

A first sever node connected to the network. The server node providing a service-access-point for accessing users;

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A second server node connected to the network and accessible to the first server node, the second server node providing automated navigation to data sources subscribed to by the user, data procurement and data aggregations on behalf of the accessing users;

A bill-payment software interface installed on the first server node, the interface accessible to the accessing users connected to the data-packet- network, characterized in that users accessing the first server node from the remote computer nodes interact with the bill payment interface for the purpose of viewing, managing and paying bills by proxy using the functions of the first and second server nodes in, for example, the abstract, figures 2, col. 13 line 50-col. 14 line 22, claims."

Applicant disagrees with the Examiner's interpretation of Grant in light of applicant's claim limitations which are clearly not being considered in their entirety by the Examiner. The Examiner has merely reproduced applicant's claim 13 and referenced a vague portion of Grant to teach said claim with virtually no explanation as to what specific portion in the reference actually reads on a given limitation in claim 13. Applicant presents the portion of Grant as referenced by the Examiner immediately below:

"System Monitor

Referring now to FIG. 2, a functional block diagram for the system monitor is provided. The system monitor, the CLMS, is controlled by a central processing unit (CPU) 200, having stored program commands and instructions governing its processing responsibilities. The CLMS preferably is a relational information database and a centralized computer. In a preferred embodiment, a SUN WORKSTATION is used, however, it is to be understood by those skilled in the art that any compatible computer system may be used without departing from the scope and the spirit of the invention. The monitoring system can also incorporate a number of personal computers (not shown) which act as support systems to the centralized system.

On the input side, the CPU is in communication via modem 210 with the pension plan administrator or recordkeeper 230, the employer 220, the trustee 240, and the sub-

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trustee 250. A preferred embodiment reduces transfers of data with the employer to zero with records updated through communication predominantly with the plan recordkeeper 230. However, alternative embodiments allow for direct communication with the employer. Likewise, the communication with the trustee is maintained at a low level, predominantly for retirement spending disbursements, with trustee services predominantly provided by the sub-trustee ST for loan related transactions. A preferred embodiment utilizes modem devices connected to the internet with data encrypted for security, utilizing encryption techniques the same or similar to the SET standard recently adopted by Visa and MasterCard for credit card transactions. Additional input is provided by the credit card company 300 regarding minimum payments and the unsecured credit line status through a modem 290. When modems are referred to, it is to be understood by those skilled in the art that any type of communications device may be used in the liquidity system, including but not limited to floppy diskettes, cartridges, mail, and nine track tape reel, without departing from the scope and spirit of the invention. An alternative embodiment would include a terminal directly linked to the CPU over a LAN or WAN network that eliminates the requirement for a modem and or encryption."

Applicant is not clear as to what components in Fig. 2 or how the referenced portion above reads on the first and second server nodes, as claimed in applicant's invention. Unfortunately, the Examiner is so broad in his interpretation of Grant that Applicant is at a disadvantage when attempting to argue the Examiner's statements. In order to prove a valid prima facie case of anticipation it is the Examiner's obligation to at least specify what teachings in the reference read on applicant's claims. Merely reproducing applicant's claims and citing a couple of paragraphs in the reference is simply not adequate.

Item 13 of the present Office Action includes a paragraph stating:

"Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the

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specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner."

Applicant points out that regarding claim 13, the Examiner has not applied the art to specific limitations within the claim, the Examiner merely reproduced the claim in its entirety and presented the paragraphs with no explanation as to what in the reference reads on any specific limitation within the claim. Further, applicant believes it is the Examiner's responsibility in the Examination procedure to review the art as to its potential teaching of the claimed invention.

Applicant has reviewed the art of Grant and concludes that the art clearly fails to inherently or directly teach all of the limitations of applicant's claim 13. Grant teaches a pension planning and liquidity management system wherein retirement fund loans are balanced by a credit card fund in order to give a retiree more financial freedom. Grant fails to teach a second server node connected to the network and accessible to the first server node, the second server node providing automated navigation to data sources subscribed to by the user, data procurement, and data aggregation on behalf of user, as claimed in applicant's invention. Grant is an in house system wherein all servers and components have direct connections with direct communication. There is no automatic navigation occurring by a server node to user subscribed data sources on a data packet network in Grant. Grant specifically teaches that direct connections and server to server communication occur to manage the retiree's accounts (col. 14, lines 14-22). Applicant points out that the direct connections and communications negate the need for the system to automatically navigate to data sources on behalf of a user.

Regarding claim 15, the Examiner states; "Grant inherently discloses that the first server node is a portal server providing personalized interfaces in hypertext markup language because as set forth in col.14 lines 8-10 and internet connection is set forth

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wherein it is understood that internet connectivity is typically communicated with hypertext markup language. Further resort may be had to U.S. Patent 6,078,907 to Lamm col. 2 lines 13-18 to show that the World Wide Web is a collection of networks liked together using files written in Hypertext Mark-up Language. Thus APA inherently uses and discloses such. The use of a secondary reference in connection with a 35 U.S.C. 102 rejection is proper when the secondary reference is cited to show that the primary reference contains an "enabling disclosure". See MPEP § 2131.01.

Applicant argues that the Examiner has merely shown art to teach HTTP on the Internet. There is no art presented by the Examiner to actually teach an interactive bill payment system wherein the first server node is a portal server providing a personalized interface for the user in hypertext markup language.

Applicant believes claim 13 is patentable over the art of Grant at least as argued above. Dependent claims 14-23 are patentable on their own merits, as argued, or at least as depended from a patentable base claim.

13. (Currently amended) An interactive bill-payment system for online management, viewing and payment on behalf of a user of itemized bills by proxy over a data-packet-network, comprising:

a first server node connected to the network, the server node providing a service-access-point for ~~accessing-users~~ the user;

a second server node connected to the network and accessible to the first server node, the second server node providing automated navigation to data sources subscribed to by the user, data procurement, and data aggregation on behalf of the ~~accessing-users~~ user; and

a bill-payment software interface installed on the first server node, the interface accessible to the ~~accessing-users~~ user connected to the data-packet-network via a remote computer node characterized in that ~~users~~ the user accessing the first server node from the remote computer ~~nodes-interact~~ node interacts with the bill payment interface for the purpose of viewing, managing and paying bills by proxy using the functions of the first and

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second server nodes.

Regarding the 103 rejection, the Examiner states; "APA sets fort an interactive bill-payment system for online management, viewing and payment on behalf of a user of itemized bills by proxy over a data-packet-network (page 2, lines 17-19 "many people now do their banking, stock, trading, and so forth from the comfort of their own homes via internet access)"

Applicant disagrees with the Examiner's interpretation of applicant's so-called APA. Said portion of applicant's specification makes no mention of and interactive bill-payment service by proxy on behalf of a user as espoused by the Examiner. Page 2, lines 17-19 merely state that people manually do their banking, stock, trading, and so forth from the comfort of their own homes via internet access. The Examiner is clearly adding teaching to applicant's so-called APA that is not there.

The Examiner also presents the following:

"A first sever node connected to the network. The server node providing a service-access-point for accessing users (reads on either the persons own computer, their modem that is accessing the internet OR the Internet Service Provider server used by the customer to access the internet);"

Applicant suggests the Examiner pick one, as it is inappropriate for the Examiner to play musical components when relating a piece of art to applicant's claimed invention. Applicant points out that the claim reads the bill-payment software is installed on the first server node. The Examiner should point out which computerized device in the art serves this purpose, as claimed.

The Examiner further presents:

"A second server node connected to the network and accessible to the first server node, the second server node providing automated navigation to data sources subscribed to by the user, data procurement and data aggregations on behalf of the accessing users (reads on the server the bank is connected to, or the actual bank computer which has the

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account (data source subscribed by the user) data procurement (required in order to update the account with an accurate balance) and data aggregations (reads on the accounting software that is continually updating the persons account with up to date account balance information);

A bill-payment software interface installed on the first server node, the interface accessible to the accessing users connected to the data-packet-network, characterized in that users accessing the first server node from the remote computer nodes interact with the bill payment interface for the purpose of viewing, managing and paying bills by proxy using the functions of the first and second server nodes ("typically, a user, through subscription, has access to personalized and secure WEB pages...." users "bookmark many WEB pages in a computer cache so that they may quickly find and access... various services." And "it is generally known that much work related to finding WEB pages, logging in with passwords, and the like is required to successfully do business on the WEB"...")

Applicant argues that the Examiner is clearly not considering any functional limitations when relating components in the art with components as claimed in applicant's invention. Applicant claims a second server node providing automated navigation to data sources subscribed to by the user, data procurement, and data aggregation on behalf of the user. Which component in the art has said features as claimed? Certainly none of the components in the art as presented by the Examiner. The Examiner provides a lot of vague teachings as to well known capabilities on the Internet such as Web pages and Bookmarks, but has not adequately provided art to teach applicant's claimed invention.

Therefore, applicant's claim 13, is clearly patentable over the art as presented by the Examiner above. Depended claims 14-23 are patentable on their own merits or at least as depended from a patentable claim.

Regarding the double patenting rejection; the claims of the present application do not claim the same invention held in the claims of U.S.6,859,212. The scope of the claims, although admittedly similar are not identical to the point of supporting a double patenting

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rejection under 101. U.S. 6,859,212 is a system for categorizing financial transactions for a user. Applicant believes the 101 rejection is unfounded.

In view of the above claim amendments and presented arguments, the claims of the present application are clearly patentable over the art presented by the Examiner. It is therefore, respectfully requested that claims be reconsidered and the case be passed quickly to issue.

If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Srihari Kumar et al.

By Donald R. Boys
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
3 Hangar Way, Suite D
Watsonville, CA 95076
831-768-1755